

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**MEDICAL LIABILITY MUTUAL  
INSURANCE COMPANY PLAINTIFF**

**VS. CASE NO. 4:05CV001319 JMM**

**ALAN CURTIS, L.L.C., D/B/A  
CRESTPARK OF MARIANNA, INC., ET AL. DEFENDANTS**

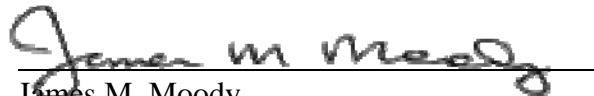
**JUDGMENT**

Pursuant to the Order entered on this day, it is Considered, Ordered and Adjudged that (1) plaintiff has no obligation to indemnify Evergreene for any judgment arising from the wrongful death and Arkansas Long Term Care Act claims; (2) plaintiff has no obligation to indemnify Evergreene for any judgment arising from the negligence claims; (3 ) plaintiff has an obligation to defend and indemnify Evergreene against any damages arising from the contract claim; (4) the issue of whether plaintiff has an obligation to indemnify Evergreene for any assessed punitive damages is not ripe; and (5) plaintiff does not have an obligation to defend and indemnify Alan Curtis against any judgment arising from any of the claims in the Underlying Lawsuit; (6) plaintiff may not recover any defense costs should a judgment be rendered against Evergreene or Alan Curtis.

Because all declaratory judgment issues which might be appropriately resolved by this Court prior to the resolution of the Underlying Lawsuit have been resolved, the Clerk of the Court is directed to administratively terminate the action in his records, without prejudice to the right of the parties to reopen the proceedings for further litigation. Provided, however, this case

will not be reopened unless within 90 days of the final disposition of the Underlying Lawsuit, an application to reopen is filed herein by one or more parties to this action. If no such motion to reopen is filed within said 90 day period, this Order shall be deemed a Judgment of Dismissal with prejudice of all claims asserted in this action.

IT IS SO ORDERED THIS 7 day of March, 2007.

A handwritten signature in dark ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody  
United States District Court